

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD C. EVERETT,  
Plaintiff,  
v.  
PAROLE BROND, et al.,  
Defendants.

Case No. 1:20-cv-01496-EPG (PC)

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff, who is proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, the defendants do not appear to reside in this district. Plaintiff alleges that the

1 violation of his rights occurred at Atascadero State Hospital and appears to sue employees of  
2 Atascadero State Hospital. Atascadero State Hospital is in San Luis Obispo County, which is in  
3 the Central District of California. Additionally, the claim(s) appear to have arisen in San Luis  
4 Obispo County. Therefore, Plaintiff's claims should have been filed in the United States District  
5 Court for the Central District of California. In the interest of justice, a federal court may transfer  
6 a complaint filed in the wrong district to the correct district. 28 U.S.C. § 1406(a). See also  
7 Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

8 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United  
9 States District Court for the Central District of California.

10 IT IS SO ORDERED.

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12 Dated: October 27, 2020

13 /s/ Eric P. Guay  
14 UNITED STATES MAGISTRATE JUDGE  
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